

ESTTA Tracking number: **ESTTA628730**

Filing date: **09/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Citigroup Inc.
Granted to Date of previous extension	09/24/2014
Address	399 Park Avenue New York, NY 10043 UNITED STATES
Attorney information	John P. Margiotta Fross Zelnick Lehrman & Zissu, PC 866 United Nations Plaza New York, NY 10017 UNITED STATES jmargiotta@fzlz.com, aleipsic@fzlz.com Phone:212-813-5900

Applicant Information

Application No	85923810	Publication date	05/27/2014
Opposition Filing Date	09/23/2014	Opposition Period Ends	09/24/2014
Applicants	Radlovic, Michael Suite 800 Ontario, CA 91761 UNITED STATES Birenbaum, Nancy Suite 800 Ontario, CA 91761 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2012/12/00 First Use In Commerce: 2012/12/00
All goods and services in the class are opposed, namely: Credit card and payment card services;
Credit card payment processing services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	UNIVERSAL
Goods/Services	credit card and related financial services, including but not limited to credit-card customer loyalty services

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	UNIVERSAL CARD		
Goods/Services	credit card and related financial services, including but not limited to credit-card customer loyalty services		

Attachments	F1532303.PDF(116489 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John P. Margiotta/
Name	John P. Margiotta
Date	09/23/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of: UNIVERSAL PAYMENT PROCESSING

Application Serial No. 85/923,810

Published in the *Official Gazette* on May 27, 2014

	X	
	:	
CITIGROUP INC.,	:	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. _____
	:	
MICHAEL RADLOVIC and	:	
NANCY BIRENBAUM,	:	
	:	
Applicants.	:	
	:	
	X	

NOTICE OF OPPOSITION

Citigroup Inc. (“Opposer”), a Delaware corporation with a place of business at 399 Park Avenue, New York, NY 10043, believes that it would be damaged by registration of the mark UNIVERSAL PAYMENT PROCESSING (“Applicants’ Mark”) in International Class 36 as shown in Application Serial No. 85/923,810, filed on May 6, 2013, and published in the *Official Gazette* on May 27, 2014, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of the marks UNIVERSAL and UNIVERSAL CARD, which Opposer, and its predecessors in interest, has used in connection with credit card and related financial services, including but not limited to credit-card customer loyalty services, for decades and since at least as early as 1997.

2. Upon information and belief, Michael Radlovic and Nancy Birenbaum (“Applicants”) are individuals who are citizens of the United States and who operate a business at 3281 East Guasti Road, Suite 800, Ontario, California 91761.

3. Upon information and belief, on or about May 6, 2013, Applicants filed Application Serial No. 85/923,810 to register Applicants’ Mark for use in connection with “Credit card and payment card services; Credit card payment processing services” in International Class 36.

4. Applicants’ Mark is similar in sound, appearance, and commercial impression to Opposer’s long-used and well-known UNIVERSAL and UNIVERSAL CARD marks. The goods and services covered in Class 36 of Applicants’ application are closely related to products and services offered by Opposer under its UNIVERSAL and UNIVERSAL CARD marks such that consumer confusion is likely to result.

5. Opposer has continuously used the UNIVERSAL and UNIVERSAL CARD marks in commerce since long before Applicants’ stated first use date of December 2012.

6. The registration of Applicants’ Mark is inconsistent with Opposer’s prior rights in the UNIVERSAL and UNIVERSAL CARD marks and would destroy Opposer’s investment and goodwill in its UNIVERSAL and UNIVERSAL CARD marks.

7. Applicants’ Mark is so similar to Opposer’s UNIVERSAL and UNIVERSAL CARD marks as to be likely to cause confusion, or to cause mistake, or to deceive the purchasing public by creating the erroneous impression that Applicants’ goods and services are authorized, licensed or sponsored by Opposer, or in some other way connected with Opposer, all to Opposer’s great injury and harm. As such, any use or registration of Applicants’ Mark by Applicants would violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that registration of Application Serial No. 85/923,810 be denied.

Dated: New York, New York
September 23, 2014

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

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Attorneys for Opposer Citigroup Inc.

CERTIFICATE OF SERVICE

The undersigned counsel for Opposer Citigroup Inc. hereby certifies that a true and correct copy of the attached NOTICE OF OPPOSITION was served via mail, postage prepaid, upon Applicants' correspondent of record: Matthew H. Swyers, Esq., The Trademark Company, 344 Maple Ave. W., PMB 151, Vienna, VA 22180-5612, on this 23rd day of September, 2014.


John Margiotta